

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2019-45-E

IN RE:

**Deborah Staggers,
Complainant/Petitioner,**

v.

**Duke Energy Progress, LLC,
Defendant/Respondent.**

**Duke Energy Progress, LLC's
Motion to Dismiss**

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Progress, LLC (“DEP” or the “Company”) hereby moves the Public Service Commission of South Carolina (the “Commission”) to dismiss the above-captioned matter on the merits because it fails to allege any violation of an applicable statute or regulation with respect to DEP’s handling of Complainant’s account, and a hearing in this case is not necessary for the protection of substantial rights. The Company also requests confidential treatment of customer-specific information contained in Exhibits A and B. In support of its motion, DEP shows the following:

BACKGROUND

On January 22, 2019, Ms. Staggers filed this complaint, which alleges that she was given “wrong information” and that she was treated in a “degrading matter.” On February 7, 2019, DEP requested the filing deadlines for all parties and the hearing date be held in abeyance to allow the parties additional time to attempt to reach a settlement of the issues raised by Complainant. Hearing Examiner Starks issued Order No. 2019-12-H on February 8, 2019, granting the request and directed the parties to file a brief report to the Commission on the status of the settlement

negotiations within 30 days. On March 8, 2019, the Office of Regulatory Staff (“ORS”) filed its report (“ORS Report”). According to the ORS Report, Ms. Stagers was unable to commit to the terms of the Company’s Deferred Payment Arrangement, and after several attempts to contact Ms. Stagers to determine her efforts to secure agency assistance, ORS was unable to do so. ORS reported that, as of March 8, 2019, Ms. Stagers had not contacted ORS to discuss her appointment for financial assistance or to set up payment arrangements for her account.

Exhibit A to this motion is the affidavit of Kriss Rodgers, Consumer Affairs Specialist at DEP, which provides customer-specific account information. Exhibit B to this motion shows the three-year billing and payment history associated with Complainant’s account. The Company respectfully requests confidential treatment of these exhibits, which contain customer-specific account information.

ARGUMENT

DEP requests that the Complaint be dismissed pursuant to S.C. Code Ann. § 58-27-1990, which allows the Commission to dismiss a complaint if it determines that “a hearing is not necessary in the public interest or for the protection of substantial rights.” The Complaint fails to allege any violation of an applicable statute or regulation with respect to DEP’s billing or handling of her account. Although the Complaint alleges that Ms. Stagers was given “wrong information” and that she was treated “in a degrading manner,” the Company disputes any such interactions. The Company has retrieved and reviewed all call recordings associated with Ms. Stagers’ telephone number—in total, fourteen call recordings between November 1, 2018 and January 23, 2019. In each of the calls, representatives of the Company discussed the account with Ms. Stagers with respect and patience, and there is no indication that incorrect information was provided to Complainant by the Company.

DEP has been responsive and flexible with respect to Ms. Staggers' account. Furthermore, Ms. Staggers' billing records show that the Company is charging the appropriate tariff rate approved by the Commission for the registered usage. DEP respectfully requests that the Complaint be dismissed because it fails to adequately allege any violation of an applicable statute or regulation with respect to DEP's handling of Ms. Staggers' account. Consistent with S.C. Code Ann. § 58-27-1990, the Company submits that a hearing is not necessary for the protection of substantial rights in this case.

CONCLUSION

DEP has worked diligently to be flexible with respect to Ms. Staggers' account. Complainant fails to adequately allege any violation of an applicable statute or regulation with respect to DEP's handling of Complainant's account, and a hearing in this case is not necessary for the protection of substantial rights. Therefore, this matter should be dismissed.

WHEREFORE, DEP moves the Commission to dismiss the Complaint with prejudice; grant confidential treatment of customer-specific information contained in Exhibits A and B; and grant such other relief as the Commission deems just and proper.

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and

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CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION
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